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EXAMINER	
BURLESON, MICHAEL L	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,766	TAKEMOTO, FUMITO	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) was submitted on April 27, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-6,8-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Buhr et al. US 6791716.

Regarding claim 1, Buhr et al. teaches of a method for producing images of higher color and tone quality by mapping images from different input sources like digital cameras (column 4, lines 56-63), which reads on a color correction method for obtaining

processed image data by carrying out color correction processing on image data obtained by a digital camera. Buhr et al. teaches that in step (12) of color enhancements as lightness, hue and chroma manipulations (column 6,lines 33-44 and figure 2), which reads on setting correction degrees for lightness, chroma and hue of predetermined specific colors. Buhr et al. teaches a region (48) of a color space defined by a centroid color (50). All colors fall within the CIELAB color difference. The distance is specified by lightness, chroma and hue (column 13, lines 24-37 and figure 6). Buhr et al. teaches that the manipulations can be implemented by digital processing algorithms (column 6, lines 33-44), which reads on obtaining correction values for lightness, chroma and hue by weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between a center color of each of the specific colors and a color comprising an image represented by the image data. Buhr et al. teaches that in step (14), the imaging system incorporates the enhancements of step (12) (column 6, lines 63-67), which reads on obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the correction values of the lightness, the chroma and the hue.

Regarding claim 2, Buhr et al. teaches that the color image system produces images with pleasing skin tone reproduction (column 7, lines 45-52), which reads on the specific colors include a skin color.

Regarding claim 4, Buhr et al. teaches of a visual representation of the processed image (14) is created and displayed on a monitor (column 6,lines 25-27). He

teaches that preferred color could be sent to any output device (column 4,lines 62-67 and column 5,lines 1-5), which reads on displaying the image represented by the image data; receiving specification of a desired position in the image displayed on the display means and including a color at the specified position in the specific colors.

Regarding claim 5, Buhr et al. teaches of a digital image processor (36) that performs color enhancements of images from a digital camera (column 7,lines 38-52), which reads on a color correction apparatus for obtaining processed image data by carrying out color correction processing on image data obtained by a digital camera, the color correction apparatus. Buhr et al. teaches a digital image processor (36) that performs color enhancements of images from a digital camera, where lightness, hue and chroma manipulations take place (column 6,lines 33-44 and figure 2 and column 7,lines 38-52). This reads on correction degree setting means for setting correction degrees of lightness, chroma and hue of predetermined specific colors. Buhr et al. teaches of a region (48) of a color space defined by a centroid color (50). All colors fall within the CIELAB color difference. The distance is specified by lightness, chroma and hue (column 13, lines 24-37 and figure 6). Buhr et al. teaches that the manipulations can be implemented by digital processing algorithms in the digital imaging processor (column 6, lines 33-44 and column 6,lines 63-67). This reads on weighted addition means for obtaining correction values for lightness, chroma and hue by carrying out weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between a center color of each of the specific colors and a color comprising an image represented

by the image data. Buhr et al. teaches that in step (14), the imaging system incorporates the enhancements of step (12) (column 6, lines 63-67), which reads on obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the correction values of the lightness, the chroma and the hue.

Regarding claim 6, Buhr et al. teaches that the color image system produces images with pleasing skin tone reproduction (column 7, lines 45-52), which reads on the specific colors include a skin color.

Regarding claim 8, Buhr et al. teaches of a visual representation of the processed image (14) is created and displayed on a monitor (column 6,lines 25-27). He teaches that preferred color can be sent to any output device (column 4,lines 62-67 and column 5,lines 1-5), which reads on display means for displaying the image represented by the image data; specification means for specifying a desired position in the image displayed on the display means and a color at the specified position the image is included in the specific colors.

Regarding claim 9, Buhr et al. teaches of that the invention is an image processing system that is computer programmed to process digital images (column 31,lines 45-59). Buhr et al. teaches of a method for producing images of higher color and tone quality by mapping images from different input sources like digital cameras (column 4, lines 56-63), which reads on a color correction method for obtaining processed image data by carrying out color correction processing on image data obtained by a digital camera. Buhr et al. teaches that in step (12) of color

enhancements as lightness, hue and chroma manipulations (column 6,lines 33-44 and figure 2), which reads on setting correction degrees for lightness, chroma and hue of predetermined specific colors. Buhr et al. teaches a region (48) of a color space defined by a centroid color (50). All colors fall within the CIELAB color difference. The distance is specified by lightness, chroma and hue (column 13, lines 24-37 and figure 6). Buhr et al. teaches that the manipulations can be implemented by digital processing algorithms (column 6, lines 33-44), which reads on obtaining correction values for lightness, chroma and hue by weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between a center color of each of the specific colors and a color comprising an image represented by the image data. Buhr et al. teaches that in step (14), the imaging system incorporates the enhancements of step (12) (column 6, lines 63-67), which reads on obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the correction values of the lightness, the chroma and the hue. This reads on computer-readable recording medium storing a program to cause a computer to execute a color correction method for obtaining processed image data by carrying out color correction processing on image data obtained by a digital camera the program comprising the procedures of: setting correction degrees for lightness, chroma and hue of predetermined specific colors; obtaining correction values for lightness, chroma and hue by weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between

a center color of each of the specific colors and a color comprising an image represented by the image data; and obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the correction values of the lightness, the chroma and the hue.

Regarding claim 10, Buhr et al. teaches that the color image system produces images with pleasing skin tone reproduction (column 7, lines 45-52), which reads on the specific colors include a skin color.

Regarding claim 12, Buhr et al. teaches of a visual representation of the processed image (14) is created and displayed on a monitor (column 6,lines 25-27). He teaches that preferred color can be sent to any output device (column 4,lines 62-67 and column 5,lines 1-5), which reads on display means for displaying the image represented by the image data; specification means for specifying a desired position in the image displayed on the display means and a color at the specified position the image is included in the specific colors.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3,7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhr et al. US 6791716 in view of MacFarlane et al. US 5311293.

Regarding claim 3, Buhr et al. teaches of a method for producing images of higher color and tone quality by mapping images from different input sources like digital cameras (column 4, lines 56-63), which reads on a color correction method for obtaining processed image data by carrying out color correction processing on image data obtained by a digital camera. Buhr et al. teaches that in step (12) of color enhancements as lightness, hue and chroma manipulations (column 6,lines 33-44 and figure 2), which reads on setting correction degrees for lightness, chroma and hue of predetermined specific colors. Buhr et al. teaches a region (48) of a color space defined by a centroid color (50). All colors fall within the CIELAB color difference. The distance is specified by lightness, chroma and hue (column 13, lines 24-37 and figure 6). Buhr et al. teaches that the manipulations can be implemented by digital processing algorithms (column 6, lines 33-44), which reads on obtaining correction values for lightness, chroma and hue by weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between a center color of each of the specific colors and a color comprising an image represented by the image data. Buhr et al. teaches that in step (14), the imaging system incorporates the enhancements of step (12) (column 6, lines 63-67), which reads on obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the

correction values of the lightness, the chroma and the hue. Buhr et al. teaches that the color image system produces images with pleasing skin tone reproduction (column 7, lines 45-52), which reads on the specific colors include a skin color.

Buhr fails to teach that the skin color is classified into a plurality of types according to lightness, chroma and /or hue thereof, and included in the specific color.

MacFarlane et al. teaches of skin color categories, which are based on lightness, chroma and hue (column 11, lines 35-60), which reads on the skin color is classified into a plurality of types according to lightness, chroma and or hue thereof, and included in the specific color.

Buhr et al. could have been modified with the skin categories of MacFarlane et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to classify skin colors based on lightness, hue and chroma.

Regarding claim 7, Buhr et al. teaches of a method for producing images of higher color and tone quality by mapping images from different input sources like digital cameras (column 4, lines 56-63), which reads on a color correction method for obtaining processed image data by carrying out color correction processing on image data obtained by a digital camera. Buhr et al. teaches that in step (12) of color enhancements as lightness, hue and chroma manipulations (column 6,lines 33-44 and figure 2), which reads on setting correction degrees for lightness, chroma and hue of predetermined specific colors. Buhr et al. teaches a region (48) of a color space defined by a centroid color (50). All colors fall within the CIELAB color difference. The

distance is specified by lightness, chroma and hue (column 13, lines 24-37 and figure 6). Buhr et al. teaches that the manipulations can be implemented by digital processing algorithms (column 6, lines 33-44), which reads on obtaining correction values for lightness, chroma and hue by weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between a center color of each of the specific colors and a color comprising an image represented by the image data. Buhr et al. teaches that in step (14), the imaging system incorporates the enhancements of step (12) (column 6, lines 63-67), which reads on obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the correction values of the lightness, the chroma and the hue. Buhr et al. teaches that the color image system produces images with pleasing skin tone reproduction (column 7, lines 45-52), which reads on the specific colors include a skin color.

Buhr et al. fails to teach that the skin color is classified into a plurality of types according to lightness, chroma and /or hue thereof, and included in the specific color.

MacFarlane et al. teaches of skin color categories, which are based on lightness, chroma and hue (column 11, lines 35-60), which reads on the skin color is classified into a plurality of types according to lightness, chroma and or hue thereof, and included in the specific color.

Buhr et al. could have been modified with the skin categories of MacFarlane et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to classify skin colors based on lightness, hue and chroma.

Regarding claim 11, Buhr et al. teaches of a method for producing images of higher color and tone quality by mapping images from different input sources like digital cameras (column 4, lines 56-63), which reads on a color correction method for obtaining processed image data by carrying out color correction processing on image data obtained by a digital camera. Buhr et al. teaches that in step (12) of color enhancements as lightness, hue and chroma manipulations (column 6,lines 33-44 and figure 2), which reads on setting correction degrees for lightness, chroma and hue of predetermined specific colors. Buhr et al. teaches a region (48) of a color space defined by a centroid color (50). All colors fall within the CIELAB color difference. The distance is specified by lightness, chroma and hue (column 13, lines 24-37 and figure 6). Buhr et al. teaches that the manipulations can be implemented by digital processing algorithms (column 6, lines 33-44), which reads on obtaining correction values for lightness, chroma and hue by weighted addition of the correction degrees of the lightness, the chroma and the hue of the specific colors, based on a distance in a uniform color difference space between a center color of each of the specific colors and a color comprising an image represented by the image data. Buhr et al. teaches that in step (14), the imaging system incorporates the enhancements of step (12) (column 6, lines 63-67), which reads on obtaining the processed image data by correcting lightness, chroma and hue of the image represented by the image data, based on the correction values of the lightness, the chroma and the hue. Buhr et al. teaches that the

color image system produces images with pleasing skin tone reproduction (column 7, lines 45-52), which reads on the specific colors include a skin color.

Buhr et al. fails to teach that the skin color is classified into a plurality of types according to lightness, chroma and /or hue thereof, and included in the specific color.

MacFarlane et al. teaches of skin color categories, which are based on lightness, chroma and hue (column 11, lines 35-60), which reads on the skin color is classified into a plurality of types according to lightness, chroma and or hue thereof, and included in the specific color.

Buhr et al. could have been modified with the skin categories of MacFarlane et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to classify skin colors based on lightness, hue and chroma.

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
November 10, 2004